

Board of County Commissioners  
Leon County, Florida  
July 27, 2004  
**Draft Minutes**

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Invocation was provided by Commissioner Maloy followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Thael presented the Florida Association of Counties (FAC) Presidential Scholarship Awards, \$1,000 each, to Kara Katherine Hartsfield, daughter of Lee Hartsfield, MIS/GIS; Harmony Linnea Jackson, daughter of Tom Jackson, Public Works/Operations; and Eric Thiele, son of County Attorney Herb Thiele.
- A retirement resolution was scheduled to be presented honoring Harriet Williams, Special Master, on her retirement. This item was continued to September 14, 2004.
- Commissioner Grippa presented the attached resolution to Ted Thomas, recognizing his dedication and commitment to children through his work with the Children's Home Society's and for receiving the R. Davis Thomas "Child Advocate of the Year" Award.
- Commissioner Grippa presented the attached resolution to Bill Lemmocks, American Legion, in support of our troops' voting rights by ensuring Leon County will count all military absentee ballots.

Chairman Sauls presented the attached resolution recognizing Traci Reed for her outstanding service to Leon County as Human Resources Director. During her tenure, Ms. Reed's accomplishments included developing an on-line employment application process; revising and implementing the harassment policy and investigation process; and advocating employees' access to necessary medical care.

*The Chairman suggested a moment of silence in honor of the recent death of Director of Operations, Edgar Grant.*

*The Board recognized the presence of Wakulla County Commissioner, Howard Kessler.*

## Consent Agenda

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously, to approve staff recommendations on the following Consent items with the exception of Items 16, 17, 32, and 36, which were addressed as described below:

1. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for July 27, 2004, and pre-approve payment of bills and vouchers for the period July 28, 2004 through September 13, 2004: \$ 4,000,605.55

2. Approval of FY 2003/2004 Mid-year Budget Adjustment

The Board approved Option 1: Approve the attached budget resolution and associated budget amendments:

3. Approval to Reverse Board Action Regarding Funding to Florida Association of Counties (FAC)

This agenda item seeks Board action reversing the approval of funding for the opposition of legislation regarding Homestead Exemptions by the Florida Association of Counties funding. The Board approved Option 1: Approve the attached budget amendment returning \$14,966 in funds, previously allocated for payment to the Florida Association of Counties, to the County's General Fund Reserve for Contingency.

4. Approval of the Human Services Grant Review Funding Recommendations for FY 2004-2005 in the Amount of \$671,400

The Board approved Option 1: Approve the Community Human Service Partnership Agreement and the Human Services Grant Review Committee's funding recommendations for FY 2004/2005 in the amount of \$671,400. See attached list of recommended allocations:

5. Establishment of the Maximum Annual Millage Rates for Countywide, Emergency Medical Services (EMS) MSTU and Primary Healthcare MSTU for FY 2004/2005

The Board approved Option 1: Establish the maximum annual millage rates as follows: Countywide – 8.54 mills, EMS MSTU – 0.50 mills and Primary Healthcare Services MSTU – 0.22 mills.

6. Acceptance of Interim Purchase Order # S-7000-C10171 and Approval of Contract C2160 Between the Department of Corrections and Leon County to

Provide Drug Court Substance Abuse Treatment for Offenders in the Second Judicial Circuit

This agenda item seeks acceptance of an interim purchase order and approval of a contract with DOC and Leon County to provide drug court substance abuse treatment for offenders in the Second Judicial Circuit. The Board approved Options 1, 2, and 3: 1) Accept Purchase Order #2-7000-C10171; 2) Approve Contract C2160 between the Department of Corrections and Leon County in the amount of \$50,000; 3) Approve the attached budget resolution and associated budget amendment request:

7. Acceptance of Hazardous Materials Emergency Site Update Grant from Florida Department of Community Affairs in the amount of \$11,265

The Board approved Options 1, 2, 3; 1) Accept the Hazardous Materials Emergency Site Study Update Grant from the Florida Department of Community Affairs (DCA), in the amount of \$11,265 and authorize the Chairman to execute; 2) Approve the designation of the Emergency Management Director as the agreement administrator; 3) Approve the attached budget resolution and associated budget amendment:

8. Adoption of a Proposed Policy "Payout of Accumulated Annual Leave Balance for Long-Term Employees

The Board approved Option 1: Adopt the proposed policy regarding "Payout of Accumulated Annual Leave Balance for Long-Term Employees."

9. Adoption of a Supplemental Resolution for the Acquisition of Property for the Orange Avenue Widening Project

The Board approved Option 1: Adopt the attached resolution (R04-21) for acquisition of property for Orange Avenue widening project:

10. Approval of Joint Stipulation Settling *Tiffany and Richard Moore v. Leon County, et al.*, Case No. 03-CC-8411

The Board approved Option 1: Approve the Joint Stipulation settling *Tiffany and Richard Moore v. Leon County et al.* County Case No. 03-CC-8411.

11. Request to Schedule the First of Two Public Hearings for Land Development Regulation Requiring Utilization of the Flooded Property Acquisition Program Waiver, as a Condition to Receiving Approval of Applications for Development

The Board approved Option 1: Schedule the first of two public hearings to consider the proposed land development regulation for September 14, 2004 at 6:00 p.m.

12. Request to Schedule the Metropolitan Planning Organization (MPO) Retreat on Monday, October 25, 2004 from 1:00 – 5:00 p.m.

The Board approved Option 1: Schedule a Tallahassee-Leon County Metropolitan Planning Organization (MPO) Retreat for Monday, October 25, 2004, from 1:00 – 5:00 p.m. at the FDOT Auditorium.

13. Ratification of Board Actions Taken at the July 13, 2004 Workshop on Greenways Master Plan

The Board approved Option 1: The Board approved Option 1: Ratify Board actions taken at the July 13, 2004 workshop on the Tallahassee-Leon County Greenways Master Plan with modifications. (The Board accepted the report on the Tallahassee-Leon County Greenways Master Plan and scheduling the public hearing at the workshop.) See attached agenda request:

14. Ratification of Board Action Taken at the July 13, 2004 Workshop on Brownfields

The Board approved Option 1: Ratify Board actions taken at the July 13, 2004 workshop on Brownfields. See attached agenda request:

15. Request to Schedule Two Public Hearings on Rezoning Applications Implementing Cycle 2004-1 Comprehensive Plan Future Land Use Map Amendments for Tuesday, September 21, 2004 and October 12, 2004 at 6:00 p.m.

16. Approval to Initiate an Amendment to the Land Development Regulations to Delete “Commercial Sports” as a Permitted Use from the Urban Fringe Future Land Use Category and Urban Fringe Zoning District and Schedule Public Hearings for Tuesday, September 21, 2004 and October 12, 2004

This item was pulled for discussion since a speaker card was submitted.

This agenda request is a response to the Board’s direction for an agenda item initiating the deletion of “commercial sports” as a permitted used from the Urban Fringe future land use category (if needed) and Urban Fringe zoning district. Commissioner Thael explained that he had requested this item to delete the concept of commercial sports in the urban fringe future land use category, but he neglected to mention the Lake Talquin urban fringe land use category. It was his intention to be all inclusive of all the urban fringe districts.

Becky Subrahmanyam, 1257 Cornerstone Lane, appeared and circulated some written material for the Board, which included a map. She stated that she wanted to ensure that commercial sports use was deleted from the Lake Talquin urban fringe area; these are residential districts which also include residential

preservation, and therefore, are not appropriate for such intense use as commercial sports. Mrs. Subrahmanyam remarked that the commercial sports use is allowed in high intensity urban activity center, urban core, and university transition zoning within the City, so the use is not completely eliminated from residential areas.

Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1 as amended, and Option 2: 1) Initiate an amendment to the Land Development Code to delete “commercial sports” use from the Urban Fringe zoning district and from the Lake Talquin Urban Fringe zoning district; 2) Schedule the public hearings on the proposed ordinance for Tuesday, September 21, and October 12, 2004 at 6:00 p.m.

17. Approval to Award a Contract to MGT of America for the Evaluation of the Need for a Women’s Health Care Center

This agenda item seeks Board approval of an agreement with MGT of America, Inc., in the amount of \$50,000 for the evaluation of the need for a Women’s Health Center at Bond Community Health Center

This item was pulled for discussion since a speaker wished to address the Board.

Gail Mylon, 1327 Colorado Street, Chairperson of the Bond Community Health Center Board, appeared and asked for supporters in the audience to stand and 3 – 5 citizens stood in support of a women’s health center. Ms. Mylon raised some issue as described:

- Because the Health Center Board has been providing health outreach to the community, there should be the addition of a community representative and Health Center Board representative be added to the committee/focus group working on the Women’s Health Care Center
- Emphasized the importance of the Women’s Health Center be located on the south side in Bond community
- Effort to be thoroughly grounded in the community’s grass-roots inclusion
- Noted that when women and mothers are protected, the children of tomorrow may look forward to a brighter future

Commissioner Proctor moved, duly seconded by Commissioner Thael to approve Option 1 and carried unanimously, 7/0 to approve Option 1: Approve the agreement with MGT of America, Inc., in the amount of \$50,000 for the evaluation of the need for a Women’s Health Center at Bond Community Health Center and authorize the Chairman to execute.

18. Acceptance of Emergency Medical Services (EMS) Second Quarter Status Report

The Board approved Option 1: Accept the EMS update for the second quarter of 2004.

19. Approval of a Resolution Supporting the Southeast Corporate Federal Credit Union as a "Qualified Targeted Industry" Applicant and Approving the Required Local Match for up to \$12,000

The Board approved Option 1: Approve the attached Resolution (R04-22) supporting the Southeast Corporate Federal Credit Union as a "Qualified Targeted Industry (QTI)" applicant, approval of the required local match of \$12,000, as required under the State's QTI Tax Refund Program, and direction that this match shall be paid from the EDC reserved Leon County QTI account based on the company's performance in creating these new targeted jobs.

20. Approval of Contract Amendment for Garrison Design and Construction in the Amount of \$104,317 for Roof Replacement at Leon County Dental Clinic

The Board approved Options 1, 2, and 3: 1) Approve the modification to Garrison Design and Construction's contract in the amount of \$104,317, authorize the additional architect fees and construction contingency increasing this total to \$150,381, and approve the attached Resolution and associated budget amendment request; 2) Approve Amendment #3 revising the amount of cost reimbursement by the Department of Health to \$903, 381 for construction of the Leon County Dental Clinic Facility; 3) Authorize the Board Chairman to execute all related documents for these changes.

21. Approval to Negotiate a Contract with EMO Architects, Inc., for Design of the Lake Jackson Branch Library and Community Center Projects

The Board approved Option 1: Approve the selection of EMO Architects, Inc., for architectural design of the Lake Jackson Branch Library and Community Center Projects.

22. Approval of Contract Modification with Kinsey Contracting

The Board approved Option 1: Approve the proposed contract modification with Kinsey Contractors on a fixed-cost basis and authorize the Chairman to execute.

23. Authorization to Enter Into Contract Negotiations with Fringe Benefits Management Company for the Cafeteria Plan Administrator and Voluntary Insurance Provider

The Board approved Option 1: Authorize staff to enter into contract negotiations with Fringe Benefits Management Company for the administration of the County's Cafeteria Plan and as its voluntary insurance products provider and authorize Chairman to execute the contract.

24. Acceptance of Oakhill Farms Unit III 2/3 Paving Petition

The Board approved Option 1: Accept the petition and authorize staff to begin right-of-way and easement acquisition for a 2/3 paving project for Oakhill Farms Unit III.

25. Acceptance of Whispering Pines East Subdivision 2/3 Paving Petition

The Board approved Option 1: Accept the petition and authorize staff to begin right-of-way and easement acquisition for a 2/3 paving project for Whispering Pines East.

26. Acceptance of Status Report on Centerville Trace 2/3 Paving Project

The Board approved Option 1: Accept the status report on Centerville Trace Subdivision 2/3 Paving Project.

27. Adoption of the Stormwater Assessment Roll and Certification to the Tax Collector

The Board adopted Options 1 and 2: 1) Adopt and ratify the stormwater assessment roll by Resolution (R04- ) and retain the current \$20 rate, including the legislative finding; 2) Certify the roll to the Tax Collector.

28. Approval to Award the Contract to North Florida Asphalt in the Amount of \$273,881 for the Construction of the Apalachee Parkway Regional Park, Phase 1, and authorize the Chairman to execute the contract.

29. Request to Schedule a Public Hearing for the Pre-Application for Authorization of a Water Service Area for the Properties Located South of Ox Bottom Road, Between Chimney Swift Hollow and Spencer Road on Tuesday, September 14, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing on the pre-application for September 14, 2004 at 6:00 p.m. regarding the pre-application for authorization of a water service area for the properties located south of Ox Bottom Road between Chimney Swift Hollow and Spencer Road.

30. Request to Schedule a Public Hearing for the Pre-application for Authorization of a Water Service Area for the Properties Located Within Deertree Hill Development

The Board approved Option 1: Request to schedule a public hearing on the pre-application for authorization of a water and sewer service area for properties located within Deertree Hills Development for September 14, 2004 at 6:00 p.m.

31. Adoption of Resolutions Transferring Property Rights and Execute Conveyances in Favor of Florida Department of Transportation (FDOT) to Facilitate Phase II of the Crawfordville Highway Widening Project

The Board approved Options 1 and 2: 1) Adopt the attached resolutions authorizing transfer of title; 2) Authorize the Chairman to execute the conveyances in favor of the Florida Department of Transportation.

32. Approval to Delete the Cloudland Drive Project from the Capital Improvement Project Budget

This item was pulled from the agenda. It involves a request that the Board delete the Cloudland Drive Project from the Capital Improvement Project (CIP) Budget. (The agenda item explains that to date, the Cloudland Drive Homeowners have not completed their petition for the 2/3 Project. Staff and Commission Aides have made several attempts to work with the homeowners to complete the petition and establish the 2/3 project. At this time, there does not appear to be sufficient support among the Cloudland Drive homeowners for a 2/3 project and staff is aware of no continuing activity on the homeowner's part in this regard. The implementation of the Cloudland Drive CIP is dependent upon the 2/3 Project being developed coincidentally for funding and other reasons; if the CIP is developed independently, there could be cost impacts. Staff is recommending that the Cloudland Drive project be removed from the CIP budget.)

Charles Connerly, 3029 Cloudland Drive, appeared representing Cloudland Drive Neighborhoods Association, and requested an extension of time so the necessary number of signatures could be obtained for the 2/3 project. He stated that he has endeavored for the last year to obtain 12 signatures and so far has 11.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers; later in the meeting he requested that his vote reflect the affirmative), to continue this item to the next Board meeting, September 14, 2004.

Commissioner Winchester suggested that in the future, when there is an agenda item like this and a neighborhood is involved, that the appropriate parties be notified prior to a Board meeting.

33. Approval of the revised Amendment to the Street Sweeping Agreement with the City of Tallahassee for Enhanced Services to the Solid Waste Transfer Station

The Board approved Option 1: Approve the revised amendment to the Street Sweeping Agreement with the City of Tallahassee for enhanced services at the Transfer Station and authorize the Chairman to execute.

34. Authorization to Reject Bid to Provide Trucking Services to Leon County



The Board approved Option 1: Authorize staff to reject the bid offered by Crowder Excavating and Land Clearing, Inc., and re-bid the contract.

35. Approval to Award Bid to Ring Power Corporation in the Amount of \$423,044 for the Purchase of a Steel-Wheeled Landfill Garbage Compactor

The Board approved Option 1: Award the bid to Ring Power Corporation for the purchase of a steel-wheeled landfill garbage compactor in the amount of \$423,044.

36. Acceptance of Status Report on the Environmental Impacts and Highway Safety Issues Involving Korean Church Sink Near Crawfordville Highway

This item was pulled for discussion. At the July 13<sup>th</sup> meeting, the Board requested a status report on the environmental impacts and highway safety issues involving Church sink and construction on Crawfordville Highway.

John Kraynak, GEM Environmental Compliance Director, provided an overview of the issue. This project was permitted six months ago and staff feels that there are adequate protections in place to protect Church sink. There was a significant amount of run-off that was discharging into the sink pre-development, about 2,700 linear feet running along side the road which picked up sediments and traveled toward the sink. Mr. Kraynak explained that what is being proposed is a full curb and gutter system that would capture stormwater run-of, take it down to a stormwater facility and treat it without discharge to the sink. The report summarizes the permit activity.

The following speakers appeared:

Linda Jamison, 8469 Lake Atkinson Drive, Chairperson of Big Bend Sierra Club, expressed her concerns on behalf of the Club and that the Sierra Club has been attempting to protect the sink for about a year. She noted that the road was being widened towards the sink which caused concern because most of the damage was caused by the road already being too close to the sink. She stated that Church sink is a direct window on the Florida Aquifer which provides drinking water. She explained some events surrounding the issue. DOT assured in writing that construction of Crawfordville Highway would not have a negative effect on the sink. She felt that everything that has happened has contradicted that. On May 21, FSU Professor David Loper, member of hydro geology consortium visited the sink and attested that the erosion buffer was not adequate to protect it in a moderate to heavy rain. On June 18, excavation began. Ms. Jamison explained that she visited the site and piles of dirt were standing very high and it was not secured in anyway. On 21<sup>st</sup>, a breach had occurred in the erosion area which she reported to a County Inspector. Ms. Jamison presented pictures of the erosion and pointed out that a gulley is eroding towards the road and spills all the effluent in

the dirt and carries to the sink which occurs every time it rains. She also voiced concern about post construction and pointed out that if Highway 319 is constructed as close to the sink as planned, there will be a greater risk of toxic contamination of the Florida Aquifer if an accident involving a gasoline truck occurs.

Stewart Savoy, P. O. Box 188, Hosford, Fl., appeared representing Developer C. W. Roberts Contracting, Project Manager for Crawfordville Road Widening Project. He stated that C. R. Roberts Contracting believes that construction activity in the Church sink areas are in compliance with the Leon County Environmental Management permits. He explained that erosion controls such as stake, silk fence, hail berms, dirt berms, and a concrete retaining wall would prevent pollution to the sink. Mr. Savoy pointed out that inspected the site and found no evidence of erosion that would affect the sink; the company is sensitive to this environmental area and are willing to do what is needed to bump up environmental controls.

Virginia Brock, 311 Old Magnolia Road, Crawfordville, Fl, indicated that she lives near the sink and the sink hole may be washing towards the road. She pointed out that DOT oftentimes does not use their own inspectors and hire inspectors who do not show up as they should. Ms. Brock stated that she hopes that someone in the County is watching over this project to ensure that all is in order and to avoid environmental impact downstream.

Commissioner Rackleff asked staff to respond to some of the issues raised by citizens and explain the safeguards that are in place.

John Kraynak, GEM, explained that Wayne Toothman, Inspector for the project, goes to the site daily to check the controls due to the sensitive area and discusses issues with him. Mr. Kraynak pointed out that he also goes on the site.

Commissioner Rackleff indicated that one concern was that the sink would expand and a new sinkhole would form. He wanted to know what assurance was there that this would not occur.

Mr. Kraynak pointed out that there is evidence that the sinkhole may have expanded in the past due to large storm events and erosion since a ravine has formed over the years, noting that smaller rain events do not produce significant quantities of rainfall. He pointed out that this would not occur in the future with the new roadway system and hard piping that would be done to take the stormwater to the management facility. Although, there is always a risk of a sinkhole forming in Leon County with a large event, DOT does not feel, with the soil tests, that the widening would affect the road. Mr. Kraynak also advised that GEM staff is inspecting everyday to ensure that environmental controls are in place.

Commissioner Rackleff asked if it would be possible to realign 200 feet and put more distance between the highway and the sink. Tony Park, Public Works, explained that it would not be possible to realign only 200-300 feet; to meet the FHWA and FDOT standards, it would require much additional alignment. He explained that construction has begun and a change in plan would involve major cost and delays in the project.

Commissioner Rackleff suggested that a better job be done and that staff work with DOT and engineers to keep the roadways away from waterbodies if possible.

Commissioner Thaeli circulated pictures of the site that were provided by the Sierra Club showing the sediment protection barriers, and stated that it does not look like they did a good in keeping the sediments because there appears to be a lot of turbidity and erosion. He suggested that John Kraynak look at it further to ensure that adequate erosion control measures are taken.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried 5 – 1 ( Commissioner Thaeli voted in opposition and Commissioner Proctor was out of Chambers; later in the meeting Commissioner Proctor requested that his vote reflect the affirmative), to approve Option 1: Accept the status report on Church Sink.

*The Board then entered discussion regarding Public Hearing Item 53.*

37. Acceptance of two Conservation Easements (Jane Wildman Limited Partition Subdivision Project and Meridian Oaks Subdivision Projects)

The Board approved Option 1: Approve and accept for recording the two conservation easements (Jane Wildman and Trace Landing, Inc.).

38. Approval to Extend Contract with McGlynn Laboratories, Inc., to Perform Ambient Water Quality Monitoring

The Board approved Option 1: Authorize staff to initiate a one year contract extension to McGlynn Laboratories, Inc., for an amount equivalent to last year's contract price of \$158,630 with the same unit prices.

39. Request for Travel Expenses for Commissioner Rackleff to Attend the National Association of Counties Annual Conference in Phoenix on July 15 -19, 2004, and Travel Directly to the Institute of Transportation Engineers in Orlando on August 1 – 4, 2004.

The Board approved Option 1: Approve the travel expenses.

40. Request for Travel Expenses for Commissioner Grippa to Attend the Annual Chamber Community Conference, Ponte Verda, Fl., July 23-25, 2004

The Board approved Option 1: Approve travel expenses.

### **General Business**

41. Reconsideration of the Extension of the Custodial Service Agreements for Group I and II County Facilities

This item involves the approval to extend custodial service agreements with R & R Corporate Systems and C & L Associates. Both of these custodial service agreements expire on September 30, 2004 and County Administrator Alam explained that staff is recommending that the contracts be renewed for one year each at a 2.3% rate of cost increase (which is according the Consumer Price Index and provided in the contract).

Ron Rigby, 1516 C-3 Capital Circle, S. E. owner of R & R Corporate Systems, stated that due to the company's high performance level and overall increased costs (cleaning and paper supplies) he is requesting a rate increase of 7 %. He stated that he has never requested a price increase and has always accepted change orders. Mr. Rigby explained that change orders require additional personnel and time to complete tasks and that it has been difficult to clean up after the construction crew over the past three years. While he appreciates the opportunity to perform the work for the County, Mr. Ribgy stated that for the reasons listed, a rate increase is warranted.

Keith Roberts, Purchasing Director, was present and responded to the Board's inquiries.

Commissioner Rackleff moved, duly seconded by Commissioner Grippa to approve Option 1, with an amended rate: Approve the extension of the current custodial service agreements with R & R Corporate Systems for Group I Facilities and C & L Associates for Group II facilities, for one year each at 3.0% rate of cost increase and authorize the Chairman to execute the agreements. The motion carried unanimously, 6/0 (Commissioner Proctor out of Chambers but later requested that his vote reflect the affirmative).

*(Commissioner Thaell requested that his vote on Item 51 reflect the affirmative.)*

42. Consideration of the Killearn Lakes Restoration Grant Application Request

This item seeks Board direction regarding the Killearn Lakes Homeowners Association's (KLHOA) Section 319 Nonpoint Source Management Program grant application to the Florida Department of Environmental Protection (FDEP). The KLHOA is requesting that the County provide a grant match of \$247,000 which is 40 percent of the grant.

Brad Trotman, 7110 Beechridge Trail, Killearn Lakes Homeowner's Association, briefly mentioned the pollution problem in the area from the septic tank failures and the importance of using BMP (best management practices).

Sean McGlynn, McGlynn Laboratories appeared and stated that the purpose of the grant is to get best management practices (BMP) on all the lakes which will improve water quality; currently there is no treatment. He explained that artificial marshes will be installed, the lake will be vegetated, swales, berms, and sediment traps will be installed, and other things will be done to get the lake to function again and provide treatment for water that flows into Lake Iamonia.

The Board engaged in discussion about the County's involvement and the administration of the grant.

Commissioner Grippa moved and was duly seconded by Commissioner Thael to approve Option 1, as amended: Authorize funding of \$247,000 County Grant Match from the Killearn Lakes Sewer Initiative funds and ~~authorize utilization of County staff for construction administrative support~~ include language in the agreement between the County and Killearn Lakes Homeowners Association that allows the County to audit any and all aspects of the Grant and addresses indemnification and administration of the Grant.

The motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

43. Acceptance of Status Report on Use of Open Graded Hot Mix (OGHM) Bituminous Pavement as a Construction Technique to Improve County-Maintained Dirt Roads

This item was continued from the July 13<sup>th</sup> meeting.

Commissioner Thael requested that the County use William Smith Road, a private dirt road, for the pilot project.

The Board objected to the OGHM on a private road.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Accept status report and direct staff to continue with the OGHM pilot project.

44. Approval to Award Bid to Metro Power, Inc., for Electrical and Structured Wiring Systems, Renovation, and Contracting Services for the Leon County Jail

This agenda item seeks Board approval to award the bid for electrical and structured wiring systems, renovation, and contracting services for the Leon County Jail.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve Option 1, as amended: Approve the award of the bid for electrical and structured wiring systems, renovation, and contracting services for the Leon County Jail to MetroPower Inc., and authorize the Chairperson to execute; direct staff to bring back a report regarding the prison health services contract.

The motion carried unanimously, 6/0 (Chairman Sauls was out of Chambers).

45. Consideration of Settlement Proposal in *Jay Barber v. Leon County, Florida*

This agenda item involves consideration of a settlement proposal in *Jay Barber, Plaintiff v. Leon County, a governmental entity, Leon County Board of County Commissioners, a governmental entity, and Leon County Growth and Environmental Management, a subdivision of Leon County Government, Defendants*; Case No. 2004-CA-1685.

(On July 7, 2004, Plaintiff, Jay Barger, filed suite against Leon County regarding the decision of the Board on June 8, 2004 concerning a permit for the construction of a new home on Norwood Lane in Killearn Lakes, Unit 3. The complaint, subsequently amended by the Plaintiff, contains three counts: 1) a writ of mandamus requesting the Court require that a building permit be issued; 2) a mandatory injunction seeking the same relief; 3) seeking compensation for inverse condemnation and a request for attorney's fees. The Plaintiff filed an Emergency Hearing for temporary injunctions against Leon County which was denied. A Board-designated representative, Commissioner Grippa, was appointed by Chairman Sauls to resolve the differences. The Plaintiff proposed resolving the dispute by requesting that Leon County purchase his vacant lot in exchange for which the Plaintiff will agree to dismiss, with prejudice, the lawsuit filed against Leon County and waive any and all claims that he may now or hereafter have against Leon County regarding or related to the his property located on Norwood lane.

Commissioner Grippa moved, duly seconded by Commissioner Winchester to approve Option 1: Approve the conceptual Settlement Agreement on the terms enunciated herein and authorize the County Attorney to effectuate the retention of a MAI certified appraiser, and negotiate a full and fair settlement of this matter. The motion carried unanimously, 5/0 (Commissioners Sauls and Proctor were out of Chambers. Later it the meeting, Commissioner Proctor requested that his vote reflect the affirmative.).

46. Approval to Award Contracts to Phoenix Architectural Products, Inc., and Hurst Awning Company, Inc., for the Hurricane Shelter Retrofit Project

This agenda item seeks Board approval of agreements with Phoenix Architectural Products, Inc., in the amount of \$851,929 and with Hurst Awning Company, Inc.,

in the amount of \$966,923, for the provision and installation of approved window protection on building openings to retrofit them for use as storm shelters for fourteen Leon County public school shelters at a total price of \$1,818,852. The agenda requests explains that the budget for the provision and installation of the window protection is provided by the 100% Federally Funded Hazard Mitigation Grant Program (HMGP) grant between DCA and Leon County. The bid package was developed in coordination with the Leon County Purchasing Department, Sheriff's Office, Division of Emergency Management, School Board and FSU High School.

Richard Smith, Emergency Management, appeared and explained the material would be placed on windows of the selected shelter sites at certain schools that were approved. Mr. Smith explained that for Leon County to apply for the hazardous mitigation grant, they had to identify the facilities that were acceptable to the state engineers and that would also meet the Red Cross Standards for sheltering; the schools on the list in the agenda request were the only ones that were acceptable. He advised that staff is working with the School Board on a future plan so that new construction meets the new hurricane planning standard and they are sensitive to areas in the Southside.

Mr. Metcalf from Leon County School Board, Chris Floyd from American Red Cross, and Keith Roberts, Purchasing Director were also in attendance

Commissioner Grippa showed examples of materials that would be used for the window protection, one was for 120-miles per hour resistance and one was 165-miles per hour resistance. He stated that the federal government is providing the funding for the materials for the windows for hurricane/tornado shelters and suggested that the 165-miles per hour resistance material be used. County Administrator explained that there is an additional cost for the 165 miles per hour but it is from federal dollars.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve the 165-mile per hour wind protection resistance material.

Mr. Smith advised that the bid was for the 120 miles per hour resistance and there was an alternate bid on the 165 miles per hour resistance; two of the three bidders responded. Staff's recommendation was for the bid that met bid specifications and was the low bidder.

The motion on the floor carried unanimously, 6/0 (Commissioner Maloy was out of Chambers).

Commissioner Grippa raised various questions and one in particular was regarding a project in Sarasota County that was done by Phoenix Architectural Product. The representative from Phoenix responded that the Sarasota project had some design and application problems and at that time, Phoenix was fairly new to

the industry, not building their own products, and hiring outside people to install the product; this has now changed. Commissioner Grippa indicated that Sarasota lost a federal grant because the work was not completed on time. The representative responded that he was not aware of this happening. Commissioner Grippa also pointed out that Calamaris Construction which was listed with Phoenix had a delinquent license with DPR. The representative suggested that this was not the case, but for the record, Phoenix was not using Calamaris on the proposed project.

Phoenix's representative pointed out that one of the project requirements is for a performance bond for the total amount of the project and Phoenix can produce that bond.

Commissioner Grippa moved to approve Exeter Company (which is the company that did the City's Public Works and State Emergency Operations Signs). The motion failed for lack of a second.

(Vice-Chairman Thael assumed the Chair.) Commissioner Winchester moved and was duly seconded by Commissioner Sauls to approve Option 2: Approve the alternative bid of to Phoenix Architectural Products, Inc., in the amount of \$2,331,473 and authorize the Chairman to execute. (Commissioner Winchester stated that this includes the performance bond.)

The motion on the floor carried 5 – 1 (Commissioner Grippa voted in opposition and Commissioner Proctor was out of Chambers. Later in the meeting Commissioner Proctor requested that his vote reflect the affirmative.)

47. Approval of Design-Build Agreement with Structural Preservation Systems, Inc., for the Design and Construction of Repairs and Reinforcement of the Leon County Courthouse Parking Garage

Commissioner Winchester moved, duly seconded by Commissioner Maloy to approve Options 1, 2, and 3:

- 1) Authorize staff to negotiate the contract with Structural Preservation Systems, Inc., which will be consistent with their response to the RFP and similar to the model agreement and in a form approved by the County Attorney's Office.
- 2) Authorize staff to retain the coating proposal and to make later determination of its need and value to the project for payment by contingency;
- 3) Authorization for the Board Chairman to execute this agreement and any other required changes or modifications as specified herein.

The motion carried unanimously, 4/0 (Commissioners Grippa, Proctor, and Thael out of Chambers. Later in the meeting, Commissioner Proctor requested that his vote reflect the affirmative).



48. Approval to Pursue Land Exchange for the Lake Jackson Library and the Lake Jackson Community Center Site

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Options 1 and 2: 1) Direct staff to publish the notice as required by Florida Statutes and prepare a resolution for the Board's consideration in an upcoming meeting; 2) Direct staff to prepare the documents necessary to execute the land exchange, including the terms described in the agenda item (Proposed Terms of Exchange), and authorize the land exchange upon Board approval of a resolution authorizing the exchange.

County Administrator Alam provided information to the Board regarding assessment of property values and stated that the County would receive \$200,000 in the swap. He recommended the \$200,000 be placed in the Lake Jackson Library Fund.

The motion carried unanimously, 6/0 (Commissioner Proctor was out of Chambers, but later in the meeting requested that his vote reflect the affirmative.)

49. Consideration of Voluntary Annexation, 2613 Ox Bottom Road

This is a request for Board consideration of the proposed voluntary annexation petition by the owner of approximately five (5) acres located at 2613 Ox Bottom Road.

The Board engaged in discussion and questions were raised regarding the proposed increased density on the parcel and the possible flooding effect it may have on the Weimer property and other surrounding properties.

Commissioner Thael moved, duly seconded by Commissioner Maloy to approve Option 1: Do not object to the City's voluntary annexation of the property located at 2613 Ox Bottom Road. The motion failed with a 3 – 3 tie vote (Commissioners Grippa, Thael, and Winchester voted in opposition and Commissioner Proctor was out of Chambers).

Commissioner Grippa moved, duly seconded by Commissioner Thael to continue the item to the Board's September 14, 2004 meeting. The motion failed with a 3 – 3 tie vote (Commissioners Sauls, Maloy, and Rackleff voted in opposition and Commissioner Proctor was out of Chambers).

Commissioner Proctor moved, duly seconded by Commissioner Rackleff to approve Option 1: Do not object to the City's voluntary annexation of the property located at 2613 Ox Bottom Road. The motion carried 5 – 2 (Commissioners Grippa and Thael voted in opposition).

50. Consideration of the Planting of Littoral Vegetation Around Thomasville Road Stormwater Management Facility No. 4

This item is a request for Board consideration of the option of planting littoral vegetation around Thomasville Road Stormwater Management Facility No. 4. (On November 25, 2002, the County entered a settlement agreement with the Lake McBride Area Residents Association, Inc. The contract called for various services and was completed. On July 13, 2004, the Board received the report on this item and approved various items as listed in the agenda request and staff was also directed to bring back an agenda item for planting aquatic vegetation in Stormwater Management Facility No. 4.

The agenda request explains that the hydrologic modeling of the basin and stormwater facility has shown that the facility will exceed the requirements of Ordinance No. 00-31. In order to meet the requirements of the ordinance, 75.6 percent of all the post-development runoff coming to the facility over a 40.5 year period must be retained in the pond. Dr. Harvey Harper, determined that 85.3 percent of all the post-development runoff will exceed the required performance by 13 percent. In addition, the Board approved raising the outfall box in the pond by 9-inches which will provide an additional 6.6 acre-feet increase in storage or 20 percent more volume above the existing pond condition. For these reasons, staff does not recommend enhancing the pond's performance at this time.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried 6 – 1 (Commissioner Grippa voted in opposition), to approve Option 1: Do not approve funding to enhance the Thomasville Road Stormwater Management Facility No. 4's performance by planting aquatic vegetation in the pond's littoral area.

51. Board Direction Regarding the Residential Land Availability and Affordability Committee's Recommendations Regarding Potential Comprehensive Plan and Land Development Regulations Amendments

This agenda item requests Board direction regarding initiating recommendations of the Residential Land Availability and Affordability Committee Report. (The Board and City Commission heard a presentation on June 29, 2004 by representatives of the Residential Land Availability and Affordability Committee. This committee was formed to look at the availability and affordability of residential real estate in Leon County and the extent to which these issues are encouraging sprawl in neighboring counties. The Committee requested that the Board and the City review the Committee's recommendations in their report and initiate amendments to the Comprehensive Plan to enhance opportunities for residential development and initiate regulatory reforms to increase in-fill development opportunities and the achievement of higher densities. Staff is currently working on three of the 10 regulatory reform recommendations and the status of the task is provided in the agenda request – 1) Allow use of small scale

amendments to Comp Plan; 2) Implement conservation subdivision concept; 3) Review the current ordinance on significant slope standards.)

Wayne Tedder, Planning Department Director, explained various proposed Comprehensive Plan amendments as recommended by the Committee. He referenced the agenda item which suggested that dialogue was needed to occur between the Planning Department and Southwood representatives regarding the development plan of Southwood for the next five years. This involves 4,500 acres of land currently in the rural future land use category and located south of Apalachee Parkway, north of Tram Road, west of Williams Road and east of Southwood Plantation Road. Mr. Tedder stated that he talked to Southwood and they would not commit to development of the area within five years - the Committee recommended extending the USA boundary to include this area and that it be developed within five years. Mr. Tedder stated that the issue is whether the Board wants to use this as a quick fix for available land or look at long-term and have available land after a five year period.

As pointed out by Mr. Tedder, the agenda item includes other issues and if there are initiations for amendments for provision of sewer to Woodville included in the USA, staff would need flexibility to address some issues in the area. The current water and sewer policy prohibit extension of water and sewer service outside an urban service area. Mr. Tedder stated that it is a good idea to have central sewer to Woodville area because without sewer, it will never develop to its potential. If any amendments are initiated, staff will need to address a multitude of issues and the first step would be to meet with DCA, at the front end of the process, so the data and analysis could be looked at regarding the control of expansion of the urban service area boundaries.

Commissioner Proctor referred to the Committee's recommendation on page 3 which indicates that traffic concurrency in the Woodville community is not currently staffed. He stated that he would not support this if it is not adequately staffed and capacity provided for Woodville Highway. In response, Mr. Tedder stated that he did not think that concurrency could be exempted and the state would probably mandate some level of concurrency review. The City of Tallahassee Growth and Environmental Management has submitted a Comp Plan amendment application which may have substantial impacts to free up concurrency for certain road ways; if the Comp Plan is extended countywide, it could free up development inside the USA and the Woodville rural community. Commissioner Proctor also pointed out that he would not want to expand the USA into Woodville at this time, because it would mean that the City would provide utilities; the majority of Woodville residents do not want the City to provide utilities because of their exorbitant utility rates. When a workshop is conducted on the proposals, he suggested that Woodville residents be invited and be allowed to provide input on the Committee's recommendations.

Chairman Sauls concurred with Commissioner Proctor's issues regarding the USA in Woodville. She also pointed out that she was on the committee involved in the Scenic Byway designation for Highway 20 and indicated concern that additional acreage and traffic in the area might adversely affect the designation. Chairman Sauls indicated the importance of having adequate public notice for the proposals and that the items come back to the Board to be voted on individually.

The Board engaged in some discussion about the Committee's recommendation for a land use change from Rural to Urban Fringe for approximately 500 acres of land located on Silver Lake Road, south of State Road 20 and north of Aenon Road. Mr. Tedder indicated that this could result in a subdivision with 3-acre lots and traveling on a two-lane highway. He indicated that this would have to be analyzed including looking at cluster provisions and the urban fringe category.

Henree Martin, 5027 Centennial Oak Circle, member of the Residential Lot Availability/Affordability Committee, pointed out that there is a crisis in the community because there are very few lots available for residential housing and what is available is not affordable. She remarked that she was pleased that three of the regulatory changes are being implemented but the Committee does not feel that the current slope proposal in the last Comp Plan cycle is adequate. She remarked that they are losing approximately 10-15 percent of the potential infill lots by regulating slope within the residential neighborhood. Ms. Martin asked that the Board consider changes in the slope ordinances for residential development and that staff be directed to proceed on the seven items listed in the agenda. She also agreed that concurrency needed to be addressed and noted that a major study was being undertaken by the Chamber of Commerce and the City Growth Management; the Committee would be willing to role the concurrency issues into the studies, but did want special consideration for residential. Ms. Martin also suggested that in the design standards issues, that Planning staff work on a method that would allow developers to do something creative, have more density, yet still have a aesthetically pleasing development; developers cannot do that now because they are overloaded with rules and regulations. She also recommended that the 4,500 acres in Southwood be placed in the USA.

Becky Subrahmanyam, 1257 Cornerstone Lane, spoke in favor of retaining large parcels in the rural area and voiced concern about expanding the USA. She referred to the report and stated that currently the County has 20-25 years supply of proposed residential development. She felt that it was not necessary to expand the USA since there was already property available for residential and remarked that the report does not make a connection between the perceived problems of concurrency with a prescribed solution. Ms. Subrahmanyam referred to the Silver Lake Road property and pointed out that the Scenic Byway Project included some of this property, and that there was already a problem with density and any additional density would make it difficult to get through the process.

Commissioner Grippa suggested in moving forward with the Comp Plan process over the next six months which include five hearings/meetings, that it be tweaked, and that staff be given the flexibility to conduct the research that is necessary.

Commissioner Thaelle voiced concern with accepting the entire USA proposal or concurrency for residential and indicated that it is a balancing act. He emphasized the County's responsibility of moving traffic along without clogging the streets. Commissioner Thaelle advised that there were previous discussions about an educational quadrant with the three universities which would include housing and other economic projects with specific infrastructure improvements. He suggested targeting part of the community to accomplish some of these things and see how it works, and that the County Administrator contact Dr. Bill Law about getting the County more focused on this issue.

Commissioner Winchester talked about historical density and indicated the need to meet the intent of the Comp Plan including promoting walking neighborhoods. He agreed that flexibility in design standards was appropriate, particularly in the USA. He stated that the concurrency issue needs a lot of review and discussion.

Commissioner Rackleff indicated that he liked the infill and transportation suggestions. He noted the importance of providing an adequate and thorough County review process and cautioned about reducing the level of review, citing the septic tank problems in Killdeer Lakes.

Commissioner Grippa moved, duly seconded by Commissioner Winchester to approve Options 2 and 4: 2) Initiate all the Committee's Regulatory Reform Recommendations (Wayne Tedder, Planning Department Director, will research and come back to the Board); 4) Initiate the Committee's Land Use Change Recommendations (giving staff the flexibility and the opportunity to discuss at workshop); and additionally, staff was directed to initiate and provide an analysis on map amendments and text amendments separately, so each can be reviewed and voted upon separately. The motion carried unanimously, 6/0 (Commissioner Thaelle was out of Chambers, but later in the meeting, asked that his vote reflect the affirmative.)

*The Board then entered discussion on Item 41.*

52. Expirations, Vacancies, and Appointments to the Various Boards and Committees

Adjustment and Appeals Board: The Board reappointed Burt Gunter and appointed Peter Harris.

Bicycle and Pedestrian Advisory Committee: The Board appointed Eric Poole.

Big Bend Health Council: The Board reappointed Linda Dekle, Cynthia Harris, and appointed Bob Hester and Mildred Hall.

Bradfordville Community Center Board of Directors: Commissioner Grippa appointed Mary Alma Lang; Commissioner Maloy reappointed Don Whitehead; Commissioner Proctor reappointed Jim Godfrey; Commissioner Rackleff reappointed Pleas Strickland; Commissioner Sauls reappointed Bill Roberts; Commissioner Thaell reappointed George Henry.

Educational Facilities Authority: Commissioner Proctor reappointed Bob Kellam. Commissioner Thaell continued his appointment.

Code Enforcement Board: Commissioner Proctor reappointed Charles "Skip" Cook. Commissioner Thaell continued his appointment.

GEM Citizens User Group: Commissioner Grippa appointed Jack Buford.

Investment Oversight Committee: The Board reappointed Charles Cooper and John Lawrence.

Lake Jackson Recreational Council: Commissioner Winchester appointed Jim Gillard.

Parks and Recreation Advisory Team: Commissioners Proctor and Sauls continued their appointments. Commissioner Winchester reappointed Cindy Meredith.

Water Resources Committee: Commissioner Grippa reappointed Robert Scanlon; Commissioner Maloy reappointed Joe Barnett; Commissioner Rackleff reappointed Don Axelrad.

Workforce Plus (BBJEC): The Board reappointed William Colledge, Glenda Thornton; and Kelly Dozier.

#### **Scheduled Public Hearings, 6:00 p.m.**

53. First Public Hearing on Proposed Ordinance Enacting a Temporary Moratorium on a Development in Killearn Lakes Unit 1 and 2 Until Sanitary Sewer is Available

At its Board's regular meeting of July 13, 2004, the Board directed staff to bring forward an ordinance imposing a temporary moratorium, with the effective date of July 27, 2004, on all development orders in Killearn Lakes Units I and II until a central sanitary sewer system is constructed and available to serve residents within those subdivision.

County Attorney Thiele provided an overview of the issue and noted the following:

- The moratorium's duration time would be 24-months; would the central sanitary sewer system for Killearn Lakes Units 1 and 2 be completed within that time frame (since that is the reason for establishing a moratorium);
- Could the sewer system be designed, permitted, installed, operational, and hookups be completed within the short time frame
- Would Talquin Electric Cooperative, Inc., have the capacity to handle new service to Killearn Lakes Units 1 and 2 at their treatment plant

Mr. Thiele advised that since the July 13<sup>th</sup> meeting, Public Works staff has advised him that it would not be possible to have the central sewer system installed in the 24-month time frame (of the moratorium); that it might take even 2 – 5 years to complete. He stated that he has been informed that Talquin is at or beyond capacity with their current contracted requirements and there is no other source for central sewer treatment at the present time. He cautioned the Board that if the project were not completed within the time frame of the moratorium, it could result in a serious problem such as a temporary taking claim (regulatory taking of the development rights of parcels).

Commissioner Grippa asked how it has been determined that Talquin Electric Cooperative, Inc., cannot handle the current effluent level before the system is designed. Talquin is owned by its members and Killearn Lakes is approximately 40 percent of its members. Commissioner Grippa remarked that Talquin is not using an entire sprayfield and suggested that the County design and move forward with the County's part as long as the residents come up with their part within the 24 month moratorium period, then a utility, whether it is Talquin or the City of Tallahassee, could do their part.

Mr. Joe Brown, Public Works, pointed out that after Talquin explained their status regarding capacity, they also said that they are actively pursuing a study to determine how they could provide the capacity that is being requested. They are looking into advanced treatment at their wastewater plant; if they can get to that point, they could use the golf courses for spray and they are also looking at more extreme versions of disposal such as a deep well and other options. County Administrator Alam explained that Talquin can estimate the amount of effluent, so many gallons per household, but what Talquin does not know what method to use to treat the effluent and whether they should go to advanced treatment. Mr. Alam advised that the County should be talking to Talquin on a continuing basis and also, to the City, since the City has the capacity and it may be an easier route.

Mr. Alam referred to the agenda item which shows that the County is in the process of designing the project and when the design is complete, there will be the question of the homeowners paying their share and/or Talquin or the City doing their part. The issue, from a legal standpoint, is can the County place a

moratorium if they cannot guaranty a project construction completion date. (The County can guaranty a project design completion date and the County is moving along with that.)

County Attorney Thiele suggested adopting staff recommendations and then in the interim, direct staff to go get a more detailed report on Talquin Electric's capability of treating the sewer when the County is finished with the project design. He pointed out that if he had to defend the County, he would need definitive expert information that this project is doable within specific time frame and right now he does not have that information.

Commissioner Grippa talked about the health and safety of residents because the study revealed that the water quality of the neighborhood revealed that there was 28 times the accepted level of fecal chloroform found in the water. Sean McGlynn of McGlynn Laboratories, Inc., confirmed these comments and explained the results of his study on water quality point out that this adversely affects Lake Iamonia.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Options 2 and 3: 2) Accept the Public Works Status Report on Killlearn Lakes Unit 1 and 2 Sewer Project; 3) Conduct the first public hearing on the proposed moratorium ordinance and schedule the second public hearing for September 14, 2004.

Mr. Thiele stated that he would like to agree with the motion since it involves a health and safety issue. He remarked that his concern is that the County would design the best sewer system, have it all installed and ready for people to hook up but it could not go anywhere.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor to: 1) Conduct the first public hearing on the proposed moratorium ordinance and schedule the second public hearing for September 14, 2004; 2) Request that ERD stop whatever they are doing on this issue (County will move forward with their previous vote on the \$5 million) and attend the September 14, 2004 Board meeting to explain the methods and results of ERD's study; 3) Direct the County Attorney's Office to move forward with this ordinance and sanitary sewer design, and to instruct the County Attorney to put Talquin Electric Cooperative, Inc., on notice that they should be ready to accept the system upon the deadline; also the County Attorney should research that legal action he should take if Talquin is not willing to accept the septic system. Commissioner Grippa advised that he would ask that ERD and Sean McGlynn attend the next meeting.

Mr. Alam explained that there is a set of criteria that Intergovernmental Agency (Blueprint IA) adopted and ERD used the Blueprint monies to determine if the criteria had been met. The Board voted and approved the \$5 million funding. The County approached ERD and provided them with all the information and they



responded that this is not enough information and they needed more. Now Sean McGlynn Laboratories has conducted the study which was transmitted to them and their position is basically that this does not really meet the criteria and does not prove anything, that it could be human waste or animal waste and that further study is needed. Mr. Alam further explained that Commissioner Grippa is suggesting asking ERD to either certify or not certify the water quality criteria; if they do not certify it, then the County should meet with the IA and revise the set of criteria, otherwise the project will never get done. Mr. Alam pointed out that County staff would be available at the IA meeting for deciding what criteria needs to be revised.

Commissioner Grippa stated that between now and September 14, staff can find out if Post Buckley Schuh and Jernigan could design and build the system without going through another RFP process. Mr. Alam responded that Phase I would be completed by 2004 - if Phase I shows that a low pressure system can be done or some other type of system, then a bid can be put out but they would have to wait until December 2004 to see how Phase I comes out.

Commissioner Grippa mentioned that there are sewer systems in Killearn Lakes Units 3, 4, 5 and suggested pulling the blueprint and find out how long it took for that system to be completed.

Commissioner Proctor referred to records from 1987 when the Board imposed a 90-day temporary moratorium in Killearn Lakes Units 1 and 2. He stated that it appears that the Board looked at individual lot evaluation when they should have looked at solving the problems as a whole. Also, in 1990 the DCA cited the County for violation of the 1976 Killearn Lakes DRI because a sanitary central sewer system had not been provided to all of the Killearn Lakes DRI properties. Commissioner Proctor also remarked that Talquin apparently cannot keep up with the growth of the community and suggested that the City consider annexing the area. He suggested that it was time to take action and indicated that if necessary, the County may have to purchase the other lots to prevent further building and sewer problems.

Commissioner Rackleff indicated that he could not support stopping and shutting down the ERD study at this time. Commissioner Grippa explained that ERD is not doing the study but is evaluating the McGlynn Lab studies and staff's work. ERD is saying that the fecal chloroform level is unacceptable and they know the septic tanks are failing, but unless the study shows that the raw sewage is going to Lake Iamonia, they cannot sign off on it. Commissioner Rackleff asked that Mr. Glynn provide the Board with information at the second public hearing on September 14<sup>th</sup>.

Commissioner Grippa suggested reviewing minutes from 1995 regarding the Killearn Lakes DRI and sewer problems.

The following citizens appeared:

Richard Toma, 3412 Valley Creek Drive, indicated that the item has been studied enough and that it was time to address the sewer problem since it is a real health hazard due to raw sewage running onto the streets in Killearn Lakes Unit 1.

Andrea Polk-Stephenson, 3240 Horseshoe Trail, 3240 Horseshoe Trail, stated that the County has avoided its duties for years and she urged the Board to address the problem expeditiously. She stated that if the developers are allowed to build the proposed 22 lots, the sewer problems will be exacerbated.

Julia Smith, citizen, was called to appear, but declined to speak at this time.

Brad Trotman, 7110 Beechridge, Killearn Lakes Homeowners' Association, appeared and stated that enough studies have been done and it is time to address the issue. He explained that there are 1,400 lots in Killearn Lakes Units 1 and II, 1,250 have been built on, and there are 150 lots left; the 1,250 septic tanks are causing the sewage problem. Mr. Trotman pointed out that the Association is doing what it can to prevent any more building in Killearn Lakes and the parties have reached an agreement, but the issue should stay separate from the one on the floor. He urged the Board to provide a sanitary sewer system.

Commissioner Grippa stated that he is hopeful that at the next Board meeting, after working with staff and Talquin Electric, that the County will have a solution in place, legally and mechanically, to solve the situation.

The substitute motion carried unanimously, 7/0.

54. First Public Hearing to Consider an Ordinance Revising Sidewalk Requirements for New Developments and Establishing a Fee In Lieu of Sidewalk Construction

Pursuant to legal advertisement, a public hearing was conducted.

The Subdivision regulations (Land Development Code) and Tallahassee-Leon County Comprehensive Plan contain provisions requiring development applicants to construct public sidewalks in their developments inside the urban services area. County Attorney Thiele explained that the proposed ordinance essentially addresses the sidewalk requirement in areas that are not capable of having sidewalks because of physical constraints and do not have capability of connecting to the rest of the system; if a particular sidewalk meets the criteria as determined by the Engineering Division, a "fee in lieu of" could be allowed.

Commissioner Rackleff stated that he does not want to limit sidewalks because all subdivisions would benefit from a sidewalk. He pointed out that if the County is really committed to pedestrian mobility, safety, bike riding, walking to school,

and physical activity, the County should ensure that there are sidewalks or some kind of pathway in all areas.

Commissioner Winchester moved and was duly seconded by Commissioner Grippa to approve Options 1 and 2: 1) Conduct the first public hearing on the proposed Ordinance, and schedule a second public hearing for September 14, 2004; 2) Authorize the Local Planning Agency to conduct a consistency review of the proposed ordinance. Between now and the second public hearing on September 14<sup>th</sup>, any Commissioner who wishes to recommend changes to the ordinance, should communicate with legal staff. Mr. Thiele explained that this could be done as long as it falls within the restraints of the captioned heading of the advertised ordinance.

The motion carried unanimously, 5/0 (Commissioners Sauls and Maloy were out of Chambers).

55 Public Hearing on the Proposed Allocation of the FY 2004-2006 Local Law Enforcement Block Grant (LLEBG)

Pursuant to the following legal advertisement, a public hearing was conducted.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve Options 1 and 2: 1) Conduct the public hearing and approve the proposed allocation of 2004-2006 Local Law Enforcement Block Grant (LLEBG) funds; 2) Approve the submittal of the grant application using the recommendations of the LLEBG Advisory Committee

The motion carried unanimously, 5/0 (Commissioners Sauls and Maloy were out of Chambers).

56. Second Public Hearing to Amend the Environmental Management Act (EMA) to Comply with the Comprehensive Plan Amendment, Cycle 2003-2, to the Fred George Basin Special Development Zone (SDZ) A Elevation and Building Elevation

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff moved to approve Option 1: Conduct the second public hearing and adopt the ordinance amending the Environmental Management Act (EMA) to comply with the Comprehensive Plan Amendment, Cycle 2003-2, to the Fred George Basin Special Development Zone (SDZ) A Elevation and Building Elevation.

The motion carried unanimously, 5/0 (Commissioners Sauls and Maloy were out of Chambers).

57. Public Hearing on Proposed Revisions to the County's Vested Rights Ordinance, Concurrency Ordinance, and Leon County Concurrency Policies and Procedures Manual

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved, duly seconded by Commissioner Winchester to approve Option 1: Conduct the second public hearing and adopt the proposed revisions to the Vested Rights and Concurrency Management Ordinances and Leon County Concurrency Policies and Procedures Manual regarding the sunseting of vested rights for unbuilt residential subdivisions (Section 10-98 & Section 10-140(d)).

Commissioner Proctor inquired about the item. David McDevitt, GEM, explained that the ordinance sunsets the vested rights associated with residential development that was vested in 1990. This would free up capacity on the roadways that staff is currently reserving for unbuilt residential development in the County. The individual property owner is not impacted because there are de minimus provisions in the code that would allow them to come forward and still pull a single family permit on their lot.

The motion carried unanimously, 6/0 (Commissioner Sauls was out of Chambers).

58. Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from R-5 (Manufactured Home and Single-Family Detached zoning district) to M-1 (Light Industrial zoning district), based on the recommendations of the Tallahassee-Leon County Planning Commission and the findings provided herein.

Pursuant to legal advertisement, a public hearing was conducted. The subject property is located on the south side of Ross Road approximately 900 feet west of Woodville Highway and consists of .7 acre, more or less.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Sauls was out of Chambers). Commissioner Rackleff suggested, in the future, that the subject line in the agenda request specify whether the public hearing is the first and only public hearing, the first of two public hearings, or the second of two public hearings.

59. Public Hearing to Adopt the Greenways Master Plan

Pursuant to legal advertisement, a public hearing was conducted to consider adoption of the Greenways Master Plan.

As part of the Greenway Master Plan, Commissioner Grippa clarified that apparently the County was going to purchase Middlebrooks home or some of their

property but that is not the case – it was an unintended error. Also, Commissioner Grippa pointed out that the agenda request, page 2 (Master Plan Content) indicates that the Bicycle-Pedestrian Master Plan was complete, when in fact it is not. Staff responded that they anticipated the plan would have been completed by the time the Greenway Master Plan was adopted. Staff stated that this information was not in the resolution that was being proposed for adoption.

The Board referred to additional information that was provided that dealt with issues that the Board previously requested which included consideration of incorporating the fish campsite into the greenway plans around Lake Jackson.

Commissioner Maloy moved and was duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing and adopt the attached Resolution R04-23, the Tallahassee-Leon County Greenways Master Plan with modifications requested by the Board

*The Board then entered discussion regarding Item 51.*

#### County Attorney Add-On

60. Consideration of a Settlement Agreement in the Case of Killearn Lakes Homeowners' Association, Inc. v. Florida Department of Health, Leon County Health Unit and James Preiss

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to approve Option 1: Approve the Settlement Agreement and authorize the Chairman to fully execute the agreement. The motion carried unanimously, 7/0.

#### County Administrator Add-On

61. Request to Approve Travel Expenses for Commissioner Thael to Attend the 2004 Chamber of Commerce Retreat in PonteVedra Beach, Fl. On July 23-25, 2004

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Approve the travel expenses as requested.

#### Discussion Items by Commissioners

##### Commissioner Grippa

- a. Requested the Board include in the budget dollars to provide "gurney" service to citizens on Medicaid, the elderly and disabled. Commissioner Rackleff, as Chairman of the TD, requested Commissioner Grippa send him an email regarding the situation and he will bring the issue to the Board.

- b. Requested staff to look into creating a senior welfare advisory group; elder-ready community effort; suggested a public relations effort to raise awareness of senior homestead exemption, and to include Sheila Salyer of the Senior Citizens Center.
- c. Requested staff to provide information on Foxcroft Pond, such as who owns it and other issues.
- d. Asked that staff investigate as to why the City will not landscape its utility box in the County's right-of-way at Kimberly Boulevard. The issue would be brought to the next Mayor/Chair meeting.
- e. Requested an agenda item at the September 14, 2004 Board meeting regarding the Woodville well buyout. County Attorney Thiele advised that he has written a letter to the owners regarding the status.
- f. Suggested that the City and County cooperate to provide free public parking to encourage citizens to participate in early voting.

Commissioner Grippa moved, duly seconded by Commissioner Proctor to waive the rules to identify a funding source for parking to encourage early voting. The motion carried unanimously, 7/0.

Commissioner Grippa moved, duly seconded by Commissioner Proctor to reimburse the Supervisor of Elections up to \$1,000 for validation of parking tickets for citizens participating in early voting. (The County Administrator will work with the Supervisor of Elections and the City Manager.) The motion carried unanimously, 7/0.

*Commissioner Proctor moved to extend the meeting to 11:20 p.m. The motion failed 3 -4 (Commissioners Grippa, Rackleff, Sauls and Maloy voted in opposition).*

The Chairman announced that the meeting was adjourned at 11:00 p.m.

APPROVED: \_\_\_\_\_  
Jane Sauls  
Chairman

ATTEST:

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Bob Inzer  
**Clerk of the Circuit Court**